

# House File 2170

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1 3 AN ACT  
1 4 RELATING TO PRODUCT LIABILITY ACTIONS.  
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1 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 8 Section 1. Section 668.12, Code 2003, is amended to read  
1 9 as follows:  
1 10 668.12 LIABILITY FOR PRODUCTS == ~~STATE OF THE ART DEFENSE~~  
1 11 ~~DEFENSES.~~  
1 12 1. In any action brought pursuant to this chapter against  
1 13 an assembler, designer, supplier of specifications,  
1 14 distributor, manufacturer, or seller for damages arising from  
1 15 an alleged defect in the design, testing, manufacturing,  
1 16 formulation, packaging, warning, or labeling of a product, a  
1 17 percentage of fault shall not be assigned to such persons if  
1 18 they plead and prove that the product conformed to the state  
1 19 of the art in existence at the time the product was designed,  
1 20 tested, manufactured, formulated, packaged, provided with a  
1 21 warning, or labeled.  
1 22 2. Nothing contained in this section subsection 1 shall  
1 23 diminish the duty of an assembler, designer, supplier of  
1 24 specifications, distributor, manufacturer or seller to warn  
1 25 concerning subsequently acquired knowledge of a defect or  
1 26 dangerous condition that would render the product unreasonably  
1 27 dangerous for its foreseeable use or diminish the liability  
1 28 for failure to so warn.  
1 29 3. An assembler, designer, supplier of specifications,  
1 30 distributor, manufacturer, or seller shall not be subject to  
1 31 liability for failure to warn regarding risks and risk=  
1 32 avoidance measures that should be obvious to, or generally  
1 33 known by, foreseeable product users. When reasonable minds  
1 34 may differ as to whether the risk or risk=avoidance measure  
1 35 was obvious or generally known, the issues shall be decided by  
2 1 the trier of fact.  
2 2 4. In any action brought pursuant to this chapter against  
2 3 an assembler, designer, supplier of specifications,  
2 4 distributor, manufacturer, or seller for damages arising from  
2 5 an alleged defect in packaging, warning, or labeling of a  
2 6 product, a product bearing or accompanied by a reasonable and  
2 7 visible warning or instruction that is reasonably safe for use  
2 8 if the warning or instruction is followed shall not be deemed  
2 9 defective or unreasonably dangerous on the basis of failure to  
2 10 warn or instruct. When reasonable minds may differ as to  
2 11 whether the warning or instruction is reasonable and visible,  
2 12 the issues shall be decided by the trier of fact.  
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2 17 CHRISTOPHER C. RANTS  
2 18 Speaker of the House  
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2 21 \_\_\_\_\_  
2 22 JEFFREY M. LAMBERTI  
2 23 President of the Senate  
2 24  
2 25 I hereby certify that this bill originated in the House and  
2 26 is known as House File 2170, Eightieth General Assembly.  
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2 29 \_\_\_\_\_  
2 30 MARGARET THOMSON  
2 31 Chief Clerk of the House  
2 32 Approved \_\_\_\_\_, 2004  
2 33  
2 34 \_\_\_\_\_  
2 35 THOMAS J. VILSACK  
3 1 Governor